

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ANTHONY DUPREE, JR.,)	
)	
Plaintiff,)	
)	
v.)	1:12CV345
)	
CITY OF LEXINGTON POLICE)	
DEPT., et al.,)	
)	
Defendants.)	

ORDER

This matter is before this court for review of the Memorandum Opinion, Order and Recommendation ("Recommendation") filed on May 17, 2012, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 4.) In the Recommendation, the Magistrate Judge recommends that this action be dismissed without prejudice under 28 U.S.C. § 1915(e)(2), as frivolous, for failing to state a claim, and due to the immunity of a Defendant. The Recommendation was served on the parties to this action on May 18, 2012. Plaintiff filed timely objections (Doc. 6) to the Recommendation.

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made

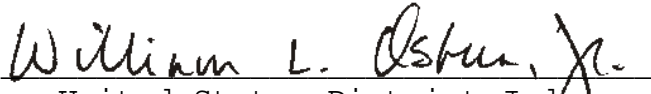
by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." Id.

This court has appropriately reviewed the portions of the Recommendation to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation (Doc. 4) is **ADOPTED**. **IT IS FURTHER ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE** under 28 U.S.C. § 1915(e)(2), as frivolous, for failing to state a claim, and due to the immunity of a Defendant.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 24th day of September, 2012.


United States District Judge